

TEXT OF PROPOSED REGULATIONS

In the following text, strikethrough indicates deleted text; underlining indicates added or amended text.

Existing Section 3000 is amended to read:

3000. Definitions.

Chronological History means a CDC Form 112 (Rev. 9/83), Chronological ~~Inmate~~ History, prepared for each inmate, upon which significant dates and commitment information affecting the inmate are logged.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code; Section 10115(c), Public Contract Code; and Section 4526, Government Code. Reference: Sections 186.22, 243, 530, 532, 646.9, 653m, 832.5, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 4570, 5009, 5068, 5054, and 7000 et seq., Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1 and 10127, Public Contract Code; and Section 999, Military and Veterans Code Section 391, Code of Civil Procedure.

Existing Section 3075.1 is amended to read:

3075.1. Intake Processing.

(a) A CDC Form 188-L (Rev. 3/89), Cumulative Case Summary, ~~consisting of the below documents,~~ shall be prepared for each inmate committed to the department and shall include:

(1) CDC Form 188, Legal Status Summary.

(2) CDC Form 112 (Rev. 9/83), Chronological ~~Inmate~~ History

Subsections 3075.1(a) through 3075.1(c) are unchanged.

Existing Subsection 3075.1(d) is amended to read:

(d) Casework information and documents important to the placement and supervision of the inmate shall include:

(1) CDC Form 127 (~~6/90~~ Rev. 12/97), Notification Notice in Case of Inmate Death, Serious Injury, or Serious Illness.

(2) CDC Form 128-O (8/92), Document Receipt.

(3) CDC Form 345 (Rev. 5/95), Authorization for the Director to Maintain Trust Account.

Subsections 3075.1(e) through 3075.1(j) are unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.01, 1203.03, 2930, 3002, 5054, and 5068, Penal Code.

Existing Section 3357 is amended to read:

3357. Inmate Deaths.

(a) ~~Wardens~~ The institution head shall maintain a valid service agreement with local mortuaries to provide ~~such~~ services such as ~~embalming,~~ cremation, ~~caskets,~~ transportation, and/or other services related to the disposition of a deceased inmate's remains body.

(b) When an inmate's death occurs away from an institution/facility, the ~~remains~~ body of the deceased shall, unless the county coroner orders otherwise, be released to a licensed funeral director in the community where the death occurred.

(c) If the deceased is known to have had a diagnosed communicable disease which presents a threat to the public health and safety, health care staff shall notify ~~ensure~~ the contract mortuary ~~funeral director~~ and ~~required~~ public agencies as required by California Code of Regulations, Title 17, Section 2500, and Health and Safety Code Sections 1797.188 and 1797.189 ~~are notified and that appropriate precautionary measures are exercised.~~

(d) Counseling staff shall notify ~~A~~ a chaplain of the decedent's professed faith, and who may shall perform a any immediate ceremonies ceremony required by in accordance with that faith.

(e) Counseling ~~S~~staff shall review a ~~the~~ decedent's central file and locate the current CDC Form 127 (Rev. 12/97), Notification in Case of Inmate Death, Serious Injury, or Serious Illness to identify the inmate's next of kin, person(s) to be notified, and/or legally appointed representative and to determine the existence of a will. If the CDC Form 127 does not indicate that a will exists, counseling staff shall search the inmate's personal property for a will. ~~available records to prepare a report including the name, relationship and address of all relatives, friends, organizations, or other parties who may be interested in providing for the decedent's burial without cost to the state. The report shall be used by the institution head in attempting to arrange for disposition of the matter at minimal cost to the state.~~

(f) ~~An effort shall be made~~ Counseling staff shall attempt to personally notify a deceased inmate's next-of-kin, individual(s) listed on the CDC Form 127 as the person(s) to be notified, and/or legally appointed representative of the death, in person, or, if personal contact is not practical, by telephone. ~~if personal contact is not practical A telegram notification Staff shall be sent send a telegram notification to the next-of-kin ,person(s) to be notified as listed on the CDC Form 127, and/or legally appointed representative, offering consolation, and which shall include:~~

(1) ~~†~~The name and address of the funeral director to whom the remains have body has been or will be released;

(2) ~~a~~A request for the next-of-kin's instructions for on disposal disposition of the remains body at the family's or designee's expense, within 48 hours, to preclude disposal disposition by the state; and

(3) ~~†~~The name and telephone number of a staff member who may be contacted for additional information.

(g) If after 10 days ~~no~~ the next-of-kin or legally appointed representative fails to ~~claims or directs disposition of the decedent's remains body, the institution head may offer the body to friends or interested private agencies for interment at private expense or with the decedent's funds. If no one or notifies the department within ten days that he or she does not assumes responsibility for burial without expense to the state, the~~

~~decedent~~ased shall be considered unclaimed. If the ~~remains~~
~~are~~ body is unclaimed, the institution/facility shall
~~provide burial clothing and~~ make arrangements for use of
state materials or services ~~when~~ as necessary in accordance
with Penal Code Section 5061. All money and personal
property shall be inventoried and released in accordance
with Penal Code 5061, upon direction from the Associate
Warden of Business Services or other staff designated by the
institution head.

NOTE: Authority cited: Section 5058, Penal Code. Reference:
Sections 2082, 5021, 5022, 5054 and 5061, Penal Code;
sections 1797.188, 1797.189, 7104, 7200, 7201, and 7302,
~~10203, 10204 and 10250~~, Health and Safety Code; and sections
12525, 27491, ~~and 27491.2—3~~ and 27491.3, Government Code.